

Message Text

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TAGS: CGEN (MAIKOVSKIS, BOLESLOVS)(DETLAVS, KARLIS)

SUBJECT: JUDICIAL ASSISTANCE: DEPORTATION PROCEEDINGS:
MAIKOVSKIS AND DETLAVS

REF: A. MOSCOW 3002, B. MOSCOW 2181, C. 77 MOSCOW 14908

1. INS NOW CONSIDERS IT NECESSARY TO GO TO USSR FOR THE
EXAMINATION AND POSSIBLE CROSS EXAMINATION OF THE SOVIET
WITNESSES IN THE MAIKOVSKIS AND DETLAVS PROCEEDINGS. AS
INDICATED REF C, MFA INDICATED IN PAST THAT WITNESSES "CAN
BE INTERROGATED AT THEIR PLACE OF RESIDENCE IN THE SOVIET
UNION IN THE PRESENCE OF REPRESENTATIVES OF THE ORGANS OF
JUSTICE OF THE USA". THAT PROBABLY DID NOT CONSTITUTE
OFFER TO LET US OFFICIALS PRESIDE OR ASK THE QUESTIONS. OUR
PRESENT STRATEGY COULD BE A) TRY TO PIN DOWN WITH
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SOVIETS AT THIS POINT THE DETAILS OF EXACTLY HOW THE EXAMINA-
TION WOULD BE CONDUCTED, WHO WOULD PRESIDE, EXACTLY WHAT
THE AMERICANS COULD OR COULD NOT DO, ETC; OR B) ASK TO
SEND THE INS OFFICIALS TO THE USSR WITH THE REALIZATION
THAT THE DETAILS OF HOW THE EXAMINATION WILL BE CONDUCTED
WOULD HAVE TO BE WORKED OUT AFTER THEIR ARRIVAL. PRESENT

INCLINATION OF INS AND DEPARTMENT IS TO TAKE LATTER APPROACH. ONE PROCEDURAL DETAIL WE DO WISH TO RAISE AT THIS TIME IS DESIRE OF INS TO VIDEOTAPE THE EXAMINATION OF WITNESSES.

2. EMBASSY IS THEREFORE REQUESTED TO DELIVER A NOTE TO THE MFA ALONG THE FOLLOWING LINES:

"A) THE EMBASSY OF THE UNITED STATES OF AMERICA REFERS THE MINISTRY OF FOREIGN AFFAIRS OF THE U.S.S.R. TO MINISTRY NOTE NO. 59/OSSHA DATED OCTOBER 12, 1977, CONCERNING WITNESSES IN THE MAIKOVSKIS CASE, AND TO THE EMBASSY'S NOTE NO. 105 OF JANUARY 10, 1978, WHICH MENTIONS THE POSSIBILITY OF TAKING DEPOSITIONS IN THE U.S.S.R.

"B) IN ITS NOTE OF OCTOBER 12, THE MINISTRY INDICATED THAT THE WITNESSES COULD BE INTERROGATED AT THEIR PLACES OF RESIDENCE IN THE PRESENCE OF REPRESENTATIVES OF UNITED STATES JUDICIAL AUTHORITIES. REPRESENTATIVES OF THE DEPARTMENT OF JUSTICE WISH TO TAKE ADVANTAGE OF THE OFFER OF THE SOVIET AUTHORITIES, AND DESIRE TO VISIT THE SOVIET UNION IN THE NEAR FUTURE FOR EXAMINATION OF THE WITNESSES. ACCORDINGLY, MR. MARTIN MENDELSON, CHIEF OF THE SPECIAL LITIGATION UNIT OF THE IMMIGRATION AND NATURALIZATION SERVICE, UNITED STATES DEPARTMENT OF JUSTICE, AND PERHAPS ONE OR TWO ACCOMPANYING OFFICIALS, WILL SOON APPLY TO THE LIMITED OFFICIAL USE

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SOVIET EMBASSY IN WASHINGTON FOR VISAS TO TRAVEL TO THE

SOVIET UNION FOR THE EXAMINATION OF THE FOLLOWING WITNESSES:

"IN THE CASE OF BOLESLAVS MAIKOVSKIS:

ANTON YANOVICH ZHUKOVSKIS
GAUYAS FARM
VEREMSKIY RURAL SOVIET
REZEKNENSKIY RAYON
LATVIAN SSR

YANIS YANOVICH KALNIN'SH
SAULIYESHI FARM
OZOL'SKIY RURAL SOVIET
LIMBAZHSKIY RAYON
LATVIAN SSR

VLADISLAV DOMINIKLVOICH LEYSH
KRISTSELI VILLAGE
KONTINIYEKSKIY RURAL SOVIET

REZEKNENSKIY RAYON
LATVIAN SSR

ANTON KONSTANTINOVICH MIGLINIYEKS
SHKERBINIYEKI VILLAGE
MAKASHANSKIY RURAL SOVIET
REZEKNENSKIY RAYON
LATVIAN SSR

ALEKSANDR VINTSEVICH REYDZANS
23A BERZPILS STREET
APARTMENT 1
REZEKNE
LATVIAN SSR
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ONOFRIY KAZIMIROVICH BERVANIYEKS
CHAKSKI VILLAGE
GAYLUMSKIY RURAL SOVIET
REZEKNENSKIY RAYON
LATVIAN SSR

"IN THE CASE OF KARLIS DETLAVS:

TEODOR-FRITSIS YUL'YEVICH DETLAVS
APARTMENT 8
19 LAPU STREET
RIGA
LATVIAN SSR

PETERIS PETROVICH IKLAVS
APARTMENT 6
9 RAYNISA STREET
TALSI
LATVIAN SSR

KARLIS KARLOVICH BALODIS
6 VIKINGU STREET
YURMALA
LATVIAN SSR

"(C) THE IMMIGRATION AND NATURALIZATION SERVICE HAS
INDICATED THAT THE PRESIDING IMMIGRATION COURT OFFICIALS
BEFORE WHOM THESE PROCEEDINGS ARE PENDING MAY ALSO WISH TO
BE PRESENT AT THE EXAMINATION OF THE WITNESSES; AS SOON
AS CERTAIN KNOWLEDGE OF THIS POINT IS RECEIVED, IT WILL BE
FORWARDED TO THE MINISTRY BY THE EMBASSY.

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"(D) THE EMBASSY BELIEVES THE MINISTRY IS AWARE THAT UNDER THE SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION, THE GOVERNMENT MUST MAKE AVAILABLE FOR QUESTIONING BY THE ACCUSED THE WITNESSES WHO TESTIFY AGAINST HIM. CONSEQUENTLY, IT WILL BE NECESSARY TO AFFORD THE ACCUSED, OR HIS

LEGAL REPRESENTATIVE, AN OPPORTUNITY TO BE PRESENT AT THE HEARING OF THE WITNESSES. AS SOON AS THE EMBASSY LEARNS OF THE DECISION OF THE DEFENSE IN THIS RESPECT, THE MINISTRY WILL BE INFORMED.

"E) THE AMERICAN JUDICIAL AUTHORITIES DESIRE TO RECORD THE PROCEEDINGS ON VIDEO TAPE FOR SUBSEQUENT USE IN THE UNITED STATES. THE EMBASSY HAS THEREFORE BEEN INSTRUCTED TO SEEK THE PERMISSION OF THE SOVIET AUTHORITIES TO DO SO. THE EQUIPMENT NEEDED FOR THE VIDEO TAPING WILL BE SUPPLIED BY THE AMERICAN SIDE, UNLESS THE SOVIET SIDE AGREES TO TAPE THE PROCEEDINGS ON A REIMBURSABLE BASIS.

"F) THE PROCEEDINGS AT WHICH THIS EVIDENCE IS REQUIRED ARE NOW IN PROGRESS AND ARE EXPECTED TO CONCLUDE IN THE NEAR FUTURE WITHOUT THE POSSIBILITY OF BEING RE-OPENED. THE UNITED STATES GOVERNMENT WOULD THEREFORE BE GRATEFUL TO KNOW AS SOON AS POSSIBLE IF THE ABOVE IS SATISFACTORY TO THE SOVIET GOVERNMENT." VANCE

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